



DOCKET #210829

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: :  
Tomofumi KITAZAWA, et al. : GROUP ART UNIT: 2851  
SERIAL NO: 09/901,098 :  
FILED: July 10, 2001 : EXAMINER: Unassigned

FOR: IMAGING APPARATUS, AND METHOD AND DEVICE FOR SHAKE  
CORRECTION IN IMAGING APPARATUS

PETITION UNDER 37 CFR §1.47

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

**RECEIVED**  
**OCT 31 2001**  
**OFFICE OF PETITIONS**

SIR:

This is a petition pursuant to 37 CFR §1.47 to add Hiromasa Shimizu to the above-referenced patent application. Mr. Shimizu refuses to join the above-referenced application.

**STATEMENT OF FACTS**

Copies of Appendices A-F represent a series of correspondence between personnel at Ricoh Company, Ltd. and inventor Hiromasa Shimizu. Appendix A is a letter from Yoko Sasaki to Mr. Shimizu asking him to sign a Declaration. Attached as appendix B is a letter to Mr. Sasaki from Mr. Shimizu showing refusal to sign Mr. Shimizu's patent application papers. Appendix C is a letter from Takao Inoue to Mr. Shimizu with another request to sign the Declaration. Appendix D is a lengthy letter to Mr. Inoue from Mr. Shimizu showing another refusal to sign the patent application papers. In this letter, Mr. Shimizu indicated that "...it has long been my principles to be clear about filing patent applications because patents unveil one's honor and shame." As a secondary consideration, Mr. Shimizu alluded that he

was not sure if he was an inventor in the patent application. Further, Mr. Shimizu stated that “since I am no longer an employee of the company, I feel that I have no obligation to cooperate by being untrue to my principles even if the case were something I had been involved with while I was working for the company.” The Applicants interpret this statement as meaning that Mr. Shimizu refuses to sign the declaration because of his personal feelings and views of the patent system. Appendix E is a letter from Isao Nakamura to Mr. Shimizu submitting another request to sign the Declaration. Appendix F is a letter from Mr. Shimizu to Mr. Shigeharu Uda. In this letter, Mr. Shimizu indicated that “I have no ability to read the application of over 200 pages in such a limited period of time.”

The above correspondence is in Japanese language. Each of the letters are accompanied by an English translation which the Applicants have provided.

As set forth in 37 CFR §1.47(a), if a joint inventor refuses to join in application for patent, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. Accordingly, the oath or declaration in the above-referenced patent application is accompanied by this petition. This petition includes appendices A-F as proof of pertinent facts. These pertinent facts show that Mr. Shimizu has no intent of signing the Declaration or reviewing the above-mentioned patent application to verify that he is in fact not an inventor. According to the Applicants’ records, Mr. Shimizu is an inventor.

Accordingly, the Applicants respectfully submit the acceptance of the attached  
Declaration and fee.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



**22850**

A handwritten signature in black ink, appearing to read 'Gregory J. Maier', written in a cursive style.

Gregory J. Maier  
Registration No. 25,599  
Attorney of Record

Tel.: (703) 413-3000  
Fax: (703) 413-2220  
GJM:EHK:DHS:cbf  
I:\atty\dhs\210829\210829.petition 147.wpd

**Eckhard H. Kuesters**  
**Registration No. 28,870**

清水さん

大変 御無沙汰しております。うとうい日が続きますが、  
いかがお過ごしですか？

早速ですが、お願いがございます。  
同封致しました 特許に サインを いただきたいのですが、  
大変 お手数ですが、サイン後、書類を 投函 下さいますよう  
お願い申し上げます。

それでは、お体に気も付けて！！

H13.6.20 佐々木 陽子

Dear Mr. Shimizu,

It has been a long while since the last time we saw you. I hope you are fine, despite this humid weather.

We know this is rather sudden, but we have a favor to ask you.

We would like you to sign the patent enclosed, and send it back to us.

Thank you very much for your trouble.

Please take care of yourself.

Yoko Sasaki  
June 20, 2001

佐々木 陽子 様

拝復 退職後も小生宛の郵便物等でご迷惑をおかけしていることをお許しください。  
さてご依頼された外国出願の署名の件ですが、本文を作成にあたり、これが佐々木さんの  
通常のクラーク業務としてされたものか、あるいは上司の指示に従ってなされたものか判  
断に苦しみました。

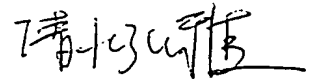
それで、ここでは佐々木様のクラーク業務としてご依頼されたものとして判断しました。  
そうであれば、本件は退職時の一連の事務処理とは異なる類のものなので、佐々木様のご  
依頼に応じることはできません。大変心苦しく存じますがご了解ください。

沖縄は梅雨明けをしたようですが、関東地区はあと一月ほど鬱陶しい日が続きます。  
楽しい夏を過ごせるようご健康に気をつけてください。それでは皆様によろしく。

敬具

平成 13 年 6 月 23 日

清水 弘雅



Dear Ms. Yoko Sasaki,

I am sorry to keep troubling you with the postal matters sent to me, even after my retirement.

Regarding your request to sign for an overseas application, it is hard for me to determine whether the letter you wrote had been made by you as part of your usual clerical work, or according to instructions made by your boss.

At this moment, I have determined that your request has been made as part of your clerical work. If this is true, this case has been differently handled from the series of clerical procedures I had known at the time of my retirement, and I refuse to cater to your request. I am very sorry but I hope you will understand.

The rainy season is apparently over in Okinawa, but in Kanto, the humid season is likely to continue for another month. Please take care of yourself so that you can enjoy the summer. Please say hello to everybody.

Yours sincerely,  
Hiromasa Shimizu  
June 23, 2001

APPENDIX C  
DOCKET #210829US-2

清水 弘雅 殿

2001年6月26日

(株) リコー研究開発本部 OS 研

第一 OS 開発 C 井上 隆夫

拝啓

梅雨の候、如何お過ごしですか。

清水さんが退社され、半年が過ぎようとしておりますが、お元気でお暮らしでしょうか。

先日、ご自宅にお電話させていただいた折、お母様のお元気なお声拝聴いたし、少し安心いたしました。

先刻、突然佐々木の方から USP の署名依頼が行き、誤解を与えてしまったようで申し訳なく存じます。ここにお詫び、訂正の上、再度特許出願宣言書ならびに委任状へのご署名をいただきたく、書面で失礼とは存じますが、お願い申し上げます。本件は清水さんが在社中に連名で出された手ぶれ技術に関する特許を USP 出願するのに必要な手続きで、全員の署名が原則となっております。ここで清水さんのご署名をいただけないと手続きが著しく遅延することになります。お手数とは存じますが、添付書面一読いただきました上、ご署名のほどお願い申し上げます。

ご不明の点ございましたら、私のデスク（045-590-1070）までお問い合わせいただければと存じます。

勝手な申し立てとは存じますが、事情ご理解の上、よろしくお願いいたします。

末筆になりましたが、まだまだ梅雨空が続くと聞き及びます。健康にお気をつけられ、一層のご活躍されることを期待いたしております。お母様にもよろしくお伝えください。

敬具



OS Development C No. 1, OS Lab  
Research and Development Group  
Ricoh Company, Ltd.

June 26, 2001

Dear Mr. Hiromasa Shimizu,

I hope you are fine despite the rainy season.

It has been half a year since you retired. How have you been? When I made a phone call to your home the other day, I was a little relieved to hear the voice of your mother, who seemed to be well.

I am sorry to know that there has been a misunderstanding as Ms. Sasaki sent you a sudden request to sign for the USP. Please let me apologize and revise for that misunderstanding. I would like to take the liberty to request you by letter again to sign the declaration and power of attorney for patent application. This is necessary for making an USP application for the patent relating to the technology for preventing blurring caused by manual operation, which had been filed under the joint names including yours while you were working for Ricoh. As a general rule, signatures of all the joint names are required. If we are unable to obtain your signature, the procedure will be significantly delayed. I understand this puts you to trouble, but I hope you would kindly read the attached documents and sign the required documents.

If there is anything unclear, please call my desk (045-590-1070).

I understand that this is rather an arbitrary request, but I hope you would understand and kindly accept the request.

Lastly, I wish your health and further success in the future. Please say hello to your mother.

Yours sincerely,  
Takao Inoue

APPENDIX D  
DOCKET #210829US-2

株式会社リコー 研究開発本部 OS 研  
第一 OS 開発 C  
井上 隆夫 様

平成13年6月27日

清水 弘雅



外国出願の署名依頼のお断り

前回のご依頼のされ方が会社としてあまりにも尋常ではないと思い、甚だ失礼ではありますが、そのことを間接的にお伝えしたつもりでした。しかし、再度、全く同じご依頼をいただいて大変に当惑いたしております。

さて、ご依頼のされ方は別として、井上様のご要望されることはしごく当然なことで、誰にでも理解できます。それで、とりあえず個人的なこととしてご返事いたします。

ところで、ご依頼文には“てぶれ技術に関する特許”とだけしかなく、また小生に憶えがないことで、在職時に本件にはアイデアおよび原稿作成に全くかかわってないこととして話を進めさせていただきます。

まず結論から先に述させていただきますと

第一に、発明者としての行為をしていないので委任状に記載されていることに反する。

第二に、自己の主義に反する特許出願である。

第三に、現時点でパーソナル事業部関連への協力は行いたくない。

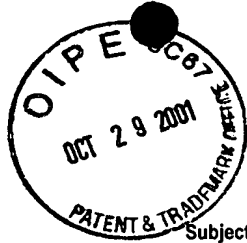
ことで、まことに恐縮ではありますが、本署名のご依頼に応じることはできません。

第一と第二については、特許出願は栄誉と恥じを公にするものであり、納得をして出願すべきであると、過去から現在にいたるまでこれを主義としています。このことから在職中における名前だけの共同出願、さらにアイデア発想会で出したものの原稿を作成したものであっても、納得いかないものを共同出願したくありませんでした。それで連名を望まなくても、会社として何も不利益にならないことで、連名をしたくないことを井上様に幾度かお願いしましたが、その都度お断りをされたことを記憶しています。それで社員でなくなれば在職中に関連したものでも自己の主義をまげて協力する必要はないと思います。また連名で特許件数を上げて自己の評価を上げたくないこともお伝えした覚えがありますがいかがでしょうか。

第三については、本件はパーソナル事業に関係するものなので問題があります。それは在職中にあって、RDC7 の発売直後、それに小生の2値圧縮伸張ソフトウェアが使われていることを知り、旧知でかつ個人的にも親しかった開発関係者に、在職中にその事実の問い合わせを行いました。しかし現在までも何も応答がない状況です。もしこれが事実とすれば許すことができない重大問題ではないでしょうか。

このようなことから現時点ではご期待におこたえできないこととお許し下さい。

以上



Subject: Refusal to Your Request to Sign the Overseas Application

June 27, 2001

To: Mr. Takao Inoue  
OS Development C No. 1, OS Lab  
Research and Development Group  
Ricoh Company, Ltd.

I indirectly pointed out by your permission how I found the style of your first request too extraordinary as that made by a professional organization. However, I am bewildered to receive exactly the same request again.

Now, apart from the way you requested it, the need for your request can be regarded as quite natural, and understandable. Therefore, for the time being, I would like to reply this as a personal matter.

In your letter, you only stated "the patent relating to the technology for preventing blurring caused by manual operation". I do not remember the case, and I would like to talk about the case assuming that I have never been involved in any ideas and preparation of the specification.

The conclusions I have reached are stated first as follows: firstly, it is against what are stated in the power of attorney, to sign it, because I have never been involved in the invention; secondly the patent application is against my principles; thirdly I do not wish to cooperate with the Personal-Division-related work. Therefore, I am sorry to tell you that I am unable accept your request to sign the documents.

Regarding the first and second conclusions, it has long been my principles to be clear about filing patent applications because patents unveil one's honor and shame. This is why I did not want to make any joint patent applications, which were: in name only; or those I could not be clear about even if I were one of the people who had given out the ideas in the "idea generation meeting" or prepared the specifications for the applications. Once and again, I had told you that I had not wanted to be included in the joint names of these patent applications considering that wishing this would not be disadvantageous for the company at all. However, I remember that you always refused to remove my name. Since I am no longer an employee of the company, I feel that I have no obligation to cooperate by being untrue to my principles even if the case were something I had been involved with while I was working for the company. I hope you also remember how I told you that I did not want to be given credit by increasing the number of patent applications files for the joint applications made.

Regarding the third conclusion, there is a problem as the case relates to Personal-Business because I still remember the incident that happened while I was working for the company. That is, immediately after the RDC7 went on sale, I realized that my binary compressing expanding software was being used in that product, and when I made an inquiry about that fact to an employee involved in the development whom I had known for a long time and was close to, there was no reaction. If this were true, it is a serious problem that cannot be overlooked.

I am sorry I am unable to meet your expectations for the above reasons at this time.

Hiromasa Shimizu

2001年8月9日

清水 弘雅様

株式会社 リコー

法務本部 IPセンター

所長 中村 功

(担当 宇田)



TEL 045-477-1422

## 米国出願に伴う署名依頼

前略 ますますご健勝のこととお慶び申し上げます。

この度、清水様がリコー在職中に発明されました下記発明を米国に特許出願することとなりました。米国に特許出願をする場合、制度上、発明者しか出願人となることができません。そのため、弊社では、発明者から発明が届出られた時に“日本及び外国における特許を受ける権利”をリコーに譲渡していただいておりますが、上記理由から、米国特許出願時は発明者が出願人となり、その後特許を受ける権利をリコーに譲渡するという形式を取っております。

本件の場合も同様、清水様がリコーへ発明を届出する際、清水様ご自身から“日本及び外国における特許を受ける権利”をリコーに譲渡していただいておりますが、清水様から譲渡証・委任状へ署名をしていただく必要があり、お願いする次第です。今回署名をお願いする日本出願の関係図を以下に示すと共に、日本出願の資料と米国特許出願明細書原稿とを添付致します。ご一読いただき、譲渡証・委任状への署名をお願い致します。

ご不明点等ございましたらご遠慮なくお問い合わせください。何卒宜しく申し上げます。

尚、署名にご同意いただけない場合、後日米国特許商標庁から直接清水様に通知書が送付されますのでご承知おきください。

敬具

### 記

#### 1. 対応日本出願

##### (1) 出願一覧

	事業部整理 No	F.No	出願番号	発明の名称
1	C99001782	JP99-06487	特願平 12-208663	像移動装置、カメラ
2	C99001467	JP99-5132	特願平 12-212194	防振機能付撮影装置
3	C99002065	JP99-06636	特願平 12-277525	振れ補正機能付撮影装置
4	C99001467	JP01-03324	特願平 13-152958	撮影装置および撮影装置における振れ補正方法および撮影装置における振れ補正装置

(2) 出願の関係

JP99-5132 → (国内優先権主張出願) → JP99-6636

↓

(国内優先権主張出願)

↓

JP99-6487 → (国内優先権主張出願) → JP01-3324 → 米国出願

2. 添付資料

- |   |       |
|---|-------|
| (1) 譲渡証                                     | 1 部   |
| (2) 委任状                                     | 1 部   |
| (3) サイン記入方法                                 | 1 部   |
| (4) 発明届出書 (JP99-5132, JP99-6636, JP99-6487) | 各 1 部 |
| (5) 米国出願明細書原稿                               | 1 部   |

以上

**Subject: Request for Signature Involved in U.S. Patent Application**

August 9, 2001

Dear Mr. Hiromasa Shimizu,

We have decided to file a U.S. patent application for the following inventions that you have invented while you were working for Ricoh. When filing a patent application in U.S.A, only the inventors may legally be the applicants. Therefore, although at Ricoh, we ask the inventors to assign a "right to obtain patents in Japan and overseas" when an invention is registered to us by the inventors, when we file a U.S. patent application, the inventors become the applicants, and after that, the right to obtain patents is to be assigned to Ricoh.

Similarly for this case, when you registered the invention, you assigned us the "right to obtain patents in Japan and overseas". Therefore, it is necessary for us to request you to sign the assignment and the power of attorney. A figure in (2) below shows the relationships between the Japanese patent applications we ask you to sign for. We are attaching documents of the Japanese applications and a copy of the specification for the U.S. patent application. We would appreciate it if you could read them and sign the assignment and the power of attorney.

Please feel free to ask us if there is anything unclear and be informed that if you do not agree to sign them, an official letter from the U.S.P.T.O. will be directly sent to you later.

**1. Japanese Patent Applications Corresponding to the Case**

**(1) List of Patent Applications**

	Ref. No.	F. No.	Pat. Application No.	Title of Invention
1	C99001782	JF99-06487	12-208663	Image Movement Apparatus and Camera
2	C99001467	JP99-5132	12-212194	Image Capturing Apparatus with Vibration-Proof Function
3	C99002065	JP99-06636	12-277525	Image Capturing Apparatus with Blur-Adjustment Function
4	C99001467	JP01-03324	13-152958	Image Capturing Apparatus and; Blur-Adjustment Method and Device, for the Apparatus

**(2) Relationships Between the Listed Patent Applications**

JP99-5132 → (Priority Claim Application in Japan) → JP99-6636

↓

(Priority Claim Application in Japan)

↓

JP99-6487 → (Priority Claim Application in Japan) → JP01-3324 → Patent Application in U.S.A.

**2. Documents Attached:**

(1) Assignment; (2) Power of attorney; (3) Instructions for signing; (4) Invention registration statements (JP99-5132, JP99-6636, JP99-6487); and (5) Copy of specification for patent application in U.S.A

Yours faithfully,

Isao Nakamura, Director



宇田 茂晴 様

平成 13 年 8 月 18 日

清水 弘雅



外国出願署名要求のお断り

拝復、中村所長からの署名依頼を拝見いたしました。見出しは依頼となっていますが、その内容および 200 ページ以上の英文出願原稿を一方的に送りつけるようなことはご依頼でなく要求であると判断させていただきました。

それで、長くお世話になったた会社のことであるので、できる限りのご協力をさせていただきたのが、貴殿らの無礼な進め方での要求には応じることは出来かねます。

ところで三週間ほど前になりますが、電話口で大声になってしまったことをお許し下さい。それは、署名がないと外国出願が遅れることを井上様から知らされていたのに、貴殿がそうでない申されたからです。またこの件に関しては、法務本部、研究開発本部の常識を疑っていましたからなおさらです。大変に失礼をいたしました。

確認事項

JP99-5132 JP99-6487 JP99-6487 は技術的には全く関わりありません。

200 ページを超える出願原稿に限られた時間で読む能力は持ち合わせておりません。

なお、井上様から申し送りされているとは思いますがこれまでの経過の記録を同封いたします。そしてこの件に関し、これ以上応じることはお断りさせていただきます。

敬具

**RECEIVED**

**Subject: Refusal to Your Order to Sign for the Overseas Application**      **OCT 31 2001**

**OFFICE OF PETITIONS**  
August 18, 2001

To: Mr. Shigeharu Uda

I read the request to sign the documents, sent by Mr. Nakamura, your director. The title of the letter stated "request" but I had to take it as an order rather than a request considering the content of the letter and the fact that you had sent me 200 and more pages of the copy of the patent application in English, one-sidedly.

I would have liked to cooperate as much as I could, for the company that I have known for so long, but I can hardly accept your order after how rudely you have already carried on.

I would like to apologize for yelling out on the phone when I spoke to you about three weeks ago. I got a bit carried away because while Mr. Inoue had told me that without the signature, the procedure for the overseas application will be delayed, you told me that this was not true. Moreover, regarding this case, I had been disappointed by the senselessness of your Legal Division, and Research and Development Group. Please excuse my discourtesy.

Note: I have never been involved with JP99-5132, JP99-6487, and JP99-6487 technically; and I have no ability to read the copy of the application of over 200 pages in such a limited period of time.

I am enclosing a record of the proceedings we have exchanged so far although Mr. Inoue has probably already sent word to you about it. Finally, I refuse to respond any further to anything concerning this case.

Hiromasa Shimizu